

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DAN BUNKERING (AMERICA) INC.

Plaintiff,

V.

SWIBER MARINE MEXICO, S.A. DE
C.V., RANGER OFFSHORE, INC.,
IN PERSONAM
AND M/V SWIBER ADA *IN REM*

Defendants.

[illegible]

CIVIL ACTION NO.: 4:20-cv-00321
IN ADMIRALTY, Rule 9(h)(C)

**DAN BUNKERING (AMERICA) INC.'S REQUEST FOR
INTERNATIONAL JUDICIAL ASSISTANCE
(LETTER ROGATORY)**

THE UNITED STATES DISTRICT COURT, Southern District of Texas, Houston Division presents its compliments to the appropriate judicial authority of Mexico and requests international judicial assistance to serve a complaint to be used in a civil proceeding before this court in the above-styled matter.

This court requests the assistance described herein as necessary in the interest of justice.

The assistance requested is that the appropriate Central Authority of Mexico, Ministry of Foreign Affairs, Directorate-General of Legal Affairs, Plaza Juárez No. 20, Planta Baja, Col. Centro, Alcaldía Cuauhtémoc, C.P. 06010 Ciudad de México, Mexico, effects service of process of the attached herein Summons and Verified Amended Complaint filed in this court on June 9, 2020 (“Exhibit 1”), upon Swiber Marine de Mexico S.A. de C.V. (“Swiber”) with its principal

office at Corporativo Antara I, Av Ejército Nacional 843 B, Granada, Miguel Hidalgo, 11520 Ciudad de México, CDMX, Mexico, and to authorize Miguel Angel Hernandez Romo, Miguel Angel Hernandez-Romo Valencia, Jorge Enrique Hernandez Marin, Laura Jimenez- O’Farrill Gutierrez de Velasco y Carlos Gerardo Barojas Flores of Foley Arena | A Subsidiary of Foley & Lardner LLP, as legal representative of Dan Bunkering (America) Inc. to carry on all the activities related to the service of the Summons and Verified Amended Complaint according to applicable Mexican law.

FACTS

In the fall of 2018, Dan Bunkering entered into a bunker supply agreement with Ranger Offshore, Inc. (“Ranger”). Ranger ordered marine fuel from Dan Bunkering and failed to pay Invoice No. 61273 for \$405,999.01. Pursuant to Bill of Lading No. 18/0075, on September 11, 2018, 80,600 gallons of fuel were delivered for the benefit of *M/v Swiber ADA* (the “Vessel”).

Both, Swiber and Ranger benefited from the marine fuel consumed by the Vessel ordered by Ranger and sold by Dan Bunkering. Invoice No. 61273 for \$405,999.01 remains outstanding, plus all applicable fees, interest, and costs. As a result of the foregoing, Dan Bunkering has a valid maritime lien against the vessel for the provision of necessities.

M/v Swiber ADA is currently under arrest by Dan Bunkering in Tuxpan de Rodriguez Cano, Veracruz, Mexico. On September 8, 2020, Judge Juan Manuel Gomez Soriano of the Seventh District Court of the State of Mexico, issued an order directing the seizure of *M/v Swiber ADA*, as an interim relief measure. The seizure was effectively performed on September 10, 2020 at 10:00 a.m.

RECIPROCITY

This court hereby expresses its willingness to provide some assistance to judicial authorities of Mexico.

REIMBURSEMENT OF COSTS

This court also indicates a willingness to require the parties seeking this relief to reimburse the judicial authorities of Mexico for the cost incurred in executing this Letter Rogatory.

Done on this _____ day of _____, 2020.

Houston, Texas, United States

UNITED STATES DISTRICT COURT
JUDGE KEITH P. ELLISON

EXHIBIT 1

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

DAN BUNKERING (AMERICA) INC.

Plaintiff(s)

v.

SWIBER MARINE MEXICO, S.A. DE
C.V., RANGER OFFSHORE, INC., IN PERSONAM
AND M/V SWIBER ADA IN REM_____
Defendant(s)

Civil Action No. 4:20-CV-00321 IN ADMIRALTY

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Swiber Marine de Mexico S.A. de C.V.
 Corporativo Antara I, Av Ejército Nacional 843 B, Granada, Miguel Hidalgo, 11520
 Ciudad de México, CDMX, Mexico

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Anacolina Estaba
 Foley & Lardner LLP
 1000 Louisiana, Suite 2000
 Houston, Texas 77002

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

David J. Bradley, Clerk of Court

Date: October 6, 2020*s/ Jacqueline Mata*_____
Signature of Clerk or Deputy Clerk

Civil Action No. 4:20-CV-00321 IN ADMIRALTY

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DAN BUNKERING (AMERICA) INC.

Plaintiff,

V.

SWIBER MARINE MEXICO, S.A. DE
C.V., RANGER OFFSHORE, INC.,
IN PERSONAM
AND M/V SWIBER ADA *IN REM*

Defendants.

CIVIL ACTION NO.: 4:20-cv-00321
IN ADMIRALTY, Rule 9(h)(C)

VERIFIED AMENDED COMPLAINT

Dan Bunkering (America) Inc., files its Verified Amended Complaint against *M/V Swiber Ada* (“the Vessel”) *in rem*, Swiber Marine de Mexico, S.A. de C.V., and Ranger Offshore, Inc., *in personam*, stating an admiralty and maritime claim pursuant to Rule 9(h) of the Federal Rules of Civil Procedure and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims, and shows the following:

I. JURISDICTION, VENUE AND PARTIES

1. Jurisdiction is proper in accordance with 28 U.S.C. §1333, Rule 9(h) of the Federal Rules of Civil Procedure, and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims. Venue is also proper in this district in accordance with 28 U.S.C. §1391(b)(2) and (d) and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims.

2. Plaintiff, Dan Bunkering (America) Inc. (“Dan Bunkering”) is engaged in the business of selling and supplying bunker fuel to vessels, and is incorporated under the laws of Texas, with its principal office at 840 Gessner, Suite 210, Houston, Texas 77024.

3. Defendant, Swiber Marine de Mexico S.A. de C.V. (“Swiber”) is the owner of the Vessel, and is incorporated under the laws of Mexico, with its principal office at Calle 2 Ote. Mz. G Lt. 2, Puerto Pesquero, Ciudad del Carmen, Campeche 24129, Mexico.

4. Defendant, *M/V Swiber ADA*, a Mexican flag offshore supply ship, IMO 9502154, Mexican flag (*matricula* 04023195324), registered in page No. 0082-CC-14 of the Mexican Maritime Registry Authority (*Registro Publico Maritimo Nacional*).¹

5. Defendant, Ranger Offshore, Inc. (“Ranger”) is a charterer and operator, and is incorporated under the laws of Texas, with its principal office at 10370 Richmond Ave, Houston, Texas 77042.

6. Upon information and belief, the Vessel is or will soon be, within the jurisdiction of this Honorable Court.

II. FACTUAL BACKGROUND

7. In the fall of 2018, Dan Bunkering entered into a bunker supply agreement with Ranger. Ranger ordered marine fuel from Dan Bunkering and failed to pay Invoice No. 61273 for \$405,999.01.² Pursuant to Bill of Lading No. 18/0075, on September 11, 2018, 80,600 gallons of fuel were delivered to and for the benefit of the Vessel.³

8. Both Swiber and Ranger benefited from the marine fuel consumed by the Vessel ordered by Ranger and sold by Dan Bunkering.

¹ Certificate No. 142/2020 issued by the Mexican Maritime Registry Authority (*Registro Publico Maritimo Nacional*) with the name of the Vessel, “Swiber ADA” and its registered owner Swiber Marine Mexico, S.A. de C.V. (Exhibit 1).

² Invoice No. 61273 for \$405,999.01. (Exhibit 2).

³ Bill of Lading No. 18/0075. (Exhibit 3).

9. Invoice No. 61273 for \$405,999.01 remains outstanding, plus all applicable fees, interest, and costs.

10. As a result of the foregoing, Dan Bunkering has a valid maritime lien against the vessel for the provision of necessities.

III. RULE C ARREST

11. Pursuant to Rule C of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions to the Federal Rules of Civil Procedure 46 U.S.C. § 31341, *et. seq*, Dan Bunkering has a maritime lien against the Vessel for the amount of \$405,999.01 for provisions of necessities, specifically marine fuel, to the Vessel at the request of and upon order of her owner, which may be enforced by the *in rem* seizure of the Vessel, pursuant to Federal Rules of Civil Procedure Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Foreclosure Actions. Therefore, Dan Bunkering requests that process in due form of law, according to the practices of this Court is issued against the Vessel, her engines, machinery, tackle, apparel, equipment, rigging, and all other necessary appurtenances, and freight, etc.

12. All the foregoing premises are true and correct and within the Admiralty and Maritime Jurisdiction of this Honorable Court.

WHEREFORE, Dan Bunkering (America) Inc. prays:

(1) That process in due form of law, according to the practice of this Court in cases of admiralty jurisdiction issue against the Vessel her engines, machinery, tackle, apparel, equipment, rigging, and all other necessary appurtenances, and freight, etc., Swiber and Ranger.

(2) That a judgment be entered in favor of Dan Bunkering (America) Inc. against the Vessel, her engines, machinery, tackle, apparel, equipment, rigging, and all other necessary appurtenances, and freight, etc., and judgement *in personam* against Swiber and Ranger;

- (3) That the Court retain jurisdiction over the Vessel, within the District in order to enter a judgment upon any decree in these proceedings;
- (4) That the “necessaries” provided by Dan Bunkering (America) Inc. declared to be a valid and subsisting lien upon the Vessel, her engines, machinery, tackle, apparel, equipment, rigging, and all other necessary appurtenances, and freight, etc., and all other equipment and necessities belonging and appurtenant thereto, which to the extent permitted by applicable law is prior and superior to other potential interest, liens or claims of any and all persons, firms or corporations whatsoever;
- (5) That Dan Bunkering (America) Inc. be awarded its attorneys’ fees and costs of this action; and
- (6) That Dan Bunkering (America) Inc. be granted all such other and further relief as equity, justice and the nature of this case will allow.

DATED this June 9, 2020.

**FOLEY GARDERE
FOLEY & LARDNER LLP**

By: /s/ Anacarolina Estaba
Peter A. McLauchlan
State Bar No. 13740900
Federal Bar No. 6370
pmclauchlan@foley.com
Anacarolina Estaba
State Bar No. 24085298
Federal Bar No. 964979
aestaba@foley.com
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Houston, Texas 77002-2099
Telephone: (713) 276-5500
Facsimile: (713) 276-5555

**ATTORNEYS FOR PLAINTIFF,
DAN BUNKERING (AMERICA) INC.**

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DAN BUNKERING (AMERICA) INC.

Plaintiff,

V.

SWIBER MARINE MEXICO, S.A. DE
C.V., RANGER OFFSHORE, INC.,
IN PERSONAM
AND M/V SWIBER ADA *IN REM*

Defendants.

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CIVIL ACTION.: 4:20-CV-00321
IN ADMIRALTY, Rule 9(h)(C)

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare as follows:

1. My name is Jim Feldtskov Behbahani Jensen. I am over the age of 21, of sound mind, and have never been convicted of a felony. I am the President and Managing Director for Dan Bunkering (America) Inc., Plaintiff herein.
2. I have read the foregoing Verified Amended Complaint and know the contents thereof.
3. Based upon my own personal knowledge and upon documents and correspondence kept in the ordinary course of business, the information contained therein is true and correct.
4. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 8th day of June 2020.



Jim Feldtskov Behbahani Jensen,
President and Managing Director

EXHIBIT 1



REGISTRO PÚBLICO MARÍTIMO NACIONAL



CERTIFICADO N° 142/2020

Registro Público Marítimo Nacional.

Para los efectos de los artículos 1, 4, 7 fracción I, 16 y 17 de la Ley de Navegación y Comercio Marítimos, 79, 106, 107 y 108 del Reglamento de la Ley de Navegación y Comercio Marítimos; y 162, de la Ley Federal de Derechos, se hace constar a solicitud de Dan Bunkering (América) Inc., a través de su representante legal la C. Laura Jiménez O´Farril Gutiérrez de Velasco, que la embarcación o artefacto naval se encuentra inscrita en el Registro Público Marítimo Nacional, con los siguientes datos:

NOMBRE: SWIBER ADA

PROPIETARIO O POSEEDOR: SWIBER MARINE MÉXICO, S.A. DE C.V.

MATRÍCULA: 04023195324

FOLIO: 0082-CC-14

OFICINA REGISTRAL: OFICINA CENTRAL DE LA CIUDAD DE MÉXICO Y
OFICINA REGISTRAL DE ISLA DEL CARMEN, CAMPECHE

Derechos Causados \$535.35 pagados el 04 de marzo de 2020, con folio N° 662200000322.

Ciudad de México, a 11 de marzo de 2020.

ATENTAMENTE
EL DIRECTOR DE REGISTRO Y PROGRAMAS


LIC. ÁLVARO GUADARRAMA MEJÍA



S. C. T.
DIRECCIÓN GENERAL
MARINA MERCANTE
REGISTRO PÚBLICO MARÍTIMO
NACIONAL
OFICINA CENTRAL

V.U. Sol. 1681
TRM/AMC/mas*



EXHIBIT 2



Dan-Bunkering

M/V SWIBER ADA and/or master and/or owners and/or
charterers and/or managers and/or operators and/or
Ranger Offshore, Inc.
10370 Richmond Avenue
Suite 1000
Houston, TX 77042
United States

Invoice No.: 61273
Date: 09/19/18
Customer No.: 200337
Order No.: 65098
Our ref.: WCL/MAZ
Page: 1

M/V SWIBER ADA delivered at Kingston- Jamaica 09/11/18

INVOICE

Description	Quantity :	Unit	Unit Price	USD :	Total USD
MGO 0.10%	479,3377	Cbm.	847.00		405,999.01
Total USD Excl. VAT					405,999.01
VAT % 0.00					0.00
Total					405,999.01
Value on our account on 11/10/18 at the latest.					

Please transfer all payments to:

Nordea Finland, NY Branch
1211 Avenue of the Americas, 23rd floor S.W.I.F.T.: NDEAUS3N
10036 New York

Account No. 4017293001
ABA: 026010786
Reference 61273

For payment later than 11/10/18, an interest of 1.5% per month will be charged.

EXHIBIT 3

